STATUTORY INSTRUMENTS

1980 No. 1244

MERCHANT SHIPPING

PILOTAGE

The Employment of Pilots Regulations 1980

Made - - - -	14*th August* 1980
Laid before Parliament	22*nd August* 1980
Coming into Operation	15*th September* 1980

The Secretary of State, in exercise of his powers under section 11(2)**(a)** of the Merchant Shipping Act 1979**(a)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Employment of Pilots Regulations 1980 and shall come into operation on 15th September 1980.

2. In these Regulations, unless the context otherwise requires:

"the Act" means the Merchant Shipping Act 1979;

"Authority" means the pilotage authority for the pilotage district to which a resolution relates or is intended to relate;

"meeting" means a meeting for the purpose of voting on a resolution or its revocation;

"pilot" means a person who for the time being holds a pilot's licence for the pilotage district, or part thereof, in respect of which a resolution relates or is intended to relate, and who is not employed by the Authority for that district;

"resolution" means a resolution for the purposes of section 11(2) of the Act; and

"the Secretary" means the Secretary or other duly authorised official of the Authority.

3. The Secretary shall convene a meeting of the pilots if not less than one-third of the pilots at any one time give to the Secretary written notice in the form set out in Schedule 1 or 2 to these Regulations, as the case may be, setting out the resolution upon which they wish the pilots to vote: Provided that the Secretary shall not be required to convene such a meeting if a resolution appearing to him to be similar to that contained in the notice has been voted upon within the 12 months previous to the date of the notice.

4. Subject as aforesaid, upon receiving the notice referred to in the preceding regulation, the Secretary shall, as soon as practicable, send to each pilot by registered post or recorded delivery service a copy of the notice together with a further notice specifying the day, time and place fixed by the Authority for the meeting. There shall be an interval of not less than ten days between the despatch by the Secretary of the last copy of the notice and the further notice and the date of the meeting.

(a) 1979 c. 39.

5. The accidental omission to give notice of a meeting to any pilot shall not invalidate the proceedings at that meeting: Provided that on a vote upon a resolution at the meeting, the vote shall not be valid if any pilot's vote (had he not been absent by reason of the omission to give the notice) would have been a determining factor as to whether or not that resolution was passed.

6. The Secretary shall be the chairman of the meeting and shall preside at and regulate proceedings at such meeting.

7. The chairman may adjourn the meeting from time to time and from place to place.

8. Every pilot shall be entitled to attend and vote at the meeting, but this provision shall not authorise attendance to the prejudice of the pilotage service.

9. Voting on a resolution shall be by a poll of all pilots present at the meeting in person or by proxy.

10. Every pilot shall have one vote which he may cast either personally or by proxy.

11. If any pilot is unable to attend the meeting he may appoint another pilot as his proxy to represent him and vote on his behalf. Such an appointment of a proxy shall not be valid unless—

(*a*) it is in writing and in the form set out in Schedule 3 hereto; and

(*b*) it is delivered to the Authority not later than the day immediately preceding the day of the meeting, or to the chairman at the commencement of the meeting.

12. The chairman shall as soon as practicable after the meeting give notice in writing to the Authority and the Pilotage Committee concerned, if any, of the terms of the resolution voted upon and the result of the voting, and the Authority and the Pilotage Committee shall record receipt of the notice in their minutes of proceedings, and the Authority shall cause a copy to be posted up in the pilots' office or offices. In the case of a resolution being for the revocation of a resolution, the revocation shall also be annotated on the record of the resolution revoked.

Norman Tebbit,
Parliamentary Under-Secretary of State,
Department of Trade.

14th August 1980.

SCHEDULE 1 *(Regulation 3)*

(Form of Notice of Resolution)

We the undersigned, being persons who for the time being hold pilots' licences for the .....Pilotage District and are not employed by the Pilotage Authority for that district, hereby give notice that we wish the following resolution to be voted upon at a meeting of such persons to be held for the purposes of section 11(2) of the Merchant Shipping Act 1979:—

"That....., as Pilotage Authority for the .....Pilotage District, shall not be entitled to exercise the power mentioned in section 11(1) of the Merchant Shipping Act 1979, to employ, as pilots or as assistants for such pilots, any pilots licensed by the Authority for the said Pilotage District or part thereof".

(Signed).....

Date:

SCHEDULE 2 *(Regulation 3)*

(Form of Notice of Revocation of the Resolution)

We, the undersigned, being persons who for the time being hold pilots' licences for the .....Pilotage District and are not employed by the Pilotage Authority for that district, hereby give notice that we wish the following resolution to be voted upon at a meeting of such persons to be held for the purposes of section 11(2) of the Merchant Shipping Act 1979:—

"That the resolution passed on.....
that....., as
Pilotage Authority for the.....Pilotage District, shall not be entitled to exercise the power mentioned in section 11(1) of the Merchant Shipping Act 1979 to employ, as pilots or as assistants for such pilots, any pilots licensed by the Authority for the said Pilotage District or part thereof, be and is hereby revoked".

(Signed).....

Date:

SCHEDULE 3 *(Regulation 11)*

(Form of Instrument of Proxy)

I, ...of .....
being the holder of a pilot's licence for the.....Pilotage District and not employed by the Pilotage Authority for that district, hereby appoint ....., who is such a pilot, as my proxy to vote on my behalf at a meeting of the pilots to be held on .....day of .....and at any adjournment thereof.

(Signed).....

Date:

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

Section 11(2) of the Merchant Shipping Act 1979 provides that if a majority of licensed pilots for the district of a Pilotage Authority who are not employed by the Authority resolves that the Authority shall not be entitled to exercise the power to employ licensed pilots as pilots or assistants, the Authority shall not be entitled to exercise that power until the resolution is revoked by such a majority. These regulations make provision for the passing and revocation of resolutions for the purposes of section 11(1), and for the recording of resolutions and of their revocation.

By virtue of section 11(2)(*b*), the passing of such a resolution does not affect any contract of employment in force when the resolution is passed.

ISBN 0 11 007244 8